

FILED & ENTERED

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

MAR 26 2004

by: [Signature]
**CLERK
U.S. BANKRUPTCY COURT
SAN JUAN, PUERTO RICO**

In re: :
:
Compliance with the requirements :
of the Servicemembers Civil Relief :
Act of 2003 :
:

GENERAL ORDER 2004- 0 /

Effective immediately, in order to comply with Section 201 of the Servicemembers Civil Relief Act of 2003 ("SCRA") regarding the entry of default judgments, and other applicable parts of the SCRA, Pub. L. 108-189, 117 Stat. 2835, the Court will require as follows:

(1) Default Judgments

At the time of the filing of a motion for default judgment in an adversary proceeding pursuant to Fed. R. Bankr. P. 7055, plaintiff must file an affidavit with the Court which (a) states whether or not the defendant is in military service and shows necessary facts to support the affidavit, or (b) if plaintiff is unable to determine whether or not the defendant is in military service, states that movant is unable to so determine. See Section 201(b)(1) of the SCRA. If a plaintiff moving for a default judgment does not submit the required affidavit, the motion will be denied. If the Court is unable to ascertain a defendant's military status from the presented affidavit(s), it may require plaintiff to file a bond before entering any default judgment. Section 201(b)(4) of the SCRA states that the affidavit requirement "may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury."

(2) Motions for Lift of Stay

At the time of the filing of a motion for relief from stay under Fed. R. Bankr. P. 4001, movant must file an affidavit with the Court which (a) states whether or not the respondent is in military service and shows necessary facts to support the affidavit, or (b) if movant is unable to determine whether or not the respondent is in military service, states that movant is unable to so determine. See Section 201(b)(1) of the SCRA. The Court will not enter any default orders lifting the stay if a movant does not supply the required affidavit. If the Court is unable to ascertain a respondent's military status from the presented affidavit(s), it may require movant to file a bond before entering any default order lifting the stay.

(3) Motions and Contested Matters – 30 Day Notice

At the time of the filing of any motion requesting a remedy which may be granted by the Court for a party's failure to respond after notice and a hearing, the movant must provide a thirty (30) day notice advising respondent that failure to respond within the time provided may result in the motion being granted without need for further hearing. Movant must also certify whether or not respondent is a servicemember, as required by Section 201(b)(1) of the SCRA. If a movant fails to provide the required notice and affidavit, the motion will be denied.

(4) Debtor's Information

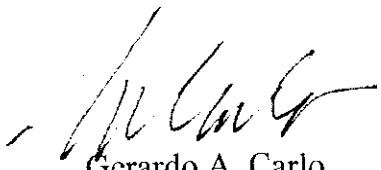
In order to assist the Court in its determinations of a debtor's status under the SCRA, a debtor should inform if he or she is a servicemember subject to the provisions of the SCRA at the time of the filing of the bankruptcy petition by submitting a separate writing, in the form supplied by the Clerk's Office. If at any time during the pendency of the bankruptcy proceedings, a debtor becomes entitled to the protections of the SCRA, he or she should inform the Court of the change in military status within ten (10) days of the change in status. Failure by a debtor to inform of his or her military status does not in any way constitute a

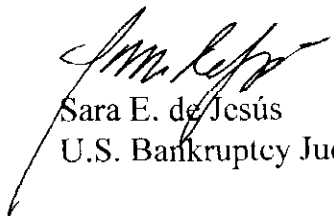
waiver of the debtor's protections of the SCRA, and does not alter the responsibility of a party to investigate the debtor's servicemember status before filing any of the papers referred to in paragraphs (1)-(3) of this General Order.

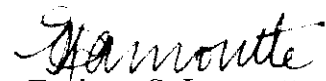
The Clerk will notify a copy of this General Order to all members of the Puerto Rico Bankruptcy Bar, all Chapter 7 trustees, the Chapter 13 trustees, and the U.S. Trustee's Office. A copy of this Order will be posted in the Court's bulletin board and on the Court's website.

SO ORDERED.

In San Juan, Puerto Rico, this 25th day of March, 2004.


Gerardo A. Carlo
Chief U.S. Bankruptcy Judge


Sara E. de Jesús
U.S. Bankruptcy Judge


Enrique S. Lamoutte
U.S. Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

Debtor(s)

:
:
:
:
:
:
:

CASE NO.

Chapter

Declaration under Servicemembers
Civil Relief Act of 2003

1. Name of Debtor: _____

(Last, First, Middle)

(Check the appropriate box and, if applicable, provide the required information)

☐ Debtor **IS** entitled to the protections of the Servicemembers Civil Relief Act of 2003.

Indicate basis for eligibility under the Act: _____

☐ Debtor **IS NOT** entitled to the protections of the Servicemembers Civil Relief Act of 2003.

2. Name of Joint Debtor: _____

(Last, First, Middle)

(Check the appropriate box and, if applicable, provide the required information)

☐ Joint Debtor **IS** entitled to the protections of the Servicemembers Civil Relief Act of 2003.

Indicate basis for eligibility under the Act: _____

☐ Joint Debtor **IS NOT** entitled to the protections of the Servicemembers Civil Relief Act of 2003.

Signature of Debtor

Date

Signature of Joint Debtor

Date